



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# Memorandum

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APR 23 2007

Federal Communications Commission  
Office of the Secretary

TO: Director, Reference Information Center  
Chief, Media Bureau

FROM: *DMA*  
Daniel M. Armstrong  
Associate General Counsel

**SUBJECT:** *The Villages of Larchmont and Mamaroneck, and the Town of Mamaroneck, New York v. USA & FCC, Second Cir. No. 07-1350; National Association of Counties v. FCC & USA, Third Cir. No. 07-1985; National Association of Telecommunications Officers and Advisors v. FCC & USA, Fourth Cir. No. 07-1270; Alliance for Community Media v. FCC & USA, Sixth Cir. No. 07-3391; Greater Metro Telecommunications Consortium v. FCC & USA, Tenth Cir. No. 07-9518; and City of Tampa, Florida v. USA & FCC, Eleventh Cir. No. 07-11464-D. Filing of Petitions for Review in the United States Courts of Appeals for the Second, Third, Fourth, Sixth, Tenth and Eleventh Circuits.*

**DATE:** April 11, 2007

This is to advise you that, on April 3, 2007, The Villages of Larchmont and Mamaroneck, and the Town of Mamaroneck, New York, the National Association of Counties, the National Association of Telecommunications Officers and Advisors, the Alliance for Community Media, the Greater Metro Telecommunications Consortium and the City of Tampa, Florida filed Petitions for Review in the U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Tenth and Eleventh Circuits, pursuant to 47 U.S.C. § 402(a), of the following order *In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, Report and Order and Further Notice of Proposed Rulemaking, MB Docket No. 05-311, 22 FCC Rcd 5101 (2007).*

Petitioners challenge the above-referenced Report and Order adopting rules to implement Section 621(a)(1) of the Communications Act, 47 U.S.C. 541(a)(1), which prohibits franchising authorities from unreasonably refusing to award competitive franchises for the provision of cable services.

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The Courts have docketed these cases as Nos. 07-1350, 07- 985, 07- 270, 07-339 07-9518 and 07-11464-D.

On April 10, 2007, the Judicial Panel on Multidistrict Litigation randomly selected the United States Court of Appeals for the Sixth Circuit in which to consolidate these petitions for review.

The attorney assigned to handle the litigation of these cases is C. Grey Pash, Jr.